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12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

13 Estate of JOSHUA CLAYPOLE,  
14 deceased, by and through SILVIA  
GUERSENZVAIG, as Administrator;  
15 SILVIA GUERSENZVAIG,

16 Plaintiff,

17 vs.

18 COUNTY OF SAN MATEO;  
19 SHERIFF GREG MUNKS, in his  
individual and official capacity;  
COUNTY OF MONTEREY;  
20 SHERIFF SCOTT MILLER, in his  
individual and official capacity;  
SERGEANT E. KAYE, in his  
individual and official capacity; CITY  
22 OF MONTEREY; MONTEREY  
POLICE DEPARTMENT CHIEF  
PHILIP PENKO, in his individual and  
official capacity; BRENT HALL, in his  
individual and official capacity;  
CALIFORNIA FORENSIC MEDICAL  
25 GROUP; DR. TAYLOR FITHIAN, in  
his individual and official capacity;  
COMMUNITY HOSPITAL OF  
MONTEREY PENINSULA; and  
DOES 1 through 30,

26  
27 Defendants.  
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Case No: CV 14-02730 BLF

[Assigned to the Honorable Beth Labson  
Freeman - Courtroom 3]

**[PROPOSED] ORDER CONTINUING  
THE HEARING OF DEFENDANTS  
CITY OF MONTEREY, CHIEF  
PHILIP PENKO, AND OFFICER  
BRENT HALL'S MOTION TO  
DISMISS COMPLAINT WITHOUT  
LEAVE TO AMEND UNTIL  
OCTOBER 2, 2014**

**MTD w/o Leave to Amend**

Current Date: Sept. 18, 2014  
Current Time: 9:00 a.m.

Proposed New Date: October 2, 2014  
Time: 9:00 a.m.

Complaint Filed: June 12, 2014  
**TRIAL DATE:** **NONE SET**

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12 Attorneys for Defendants  
13 CITY OF MONTEREY, CHIEF PHILIP PENKO, AND OFFICER BRENT HALL  
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1       The parties have submitted a joint stipulation, through their respective  
2 counsel, requesting that Defendants City of Monterey, Chief Philip Penko, and  
3 Officer Brent Hall's Motion to Dismiss Complaint without Leave to Amend,  
4 previously set to be heard by this court on September 18, 2014 at 9:00 a.m. be  
5 continued to October 2, 2014 at 9:00 a.m.

6       PURSUANT TO STIPULATION, IT IS SO ORDERED that the hearing of  
7 Defendants City of Monterey, Chief Philip Penko, and Officer Brent Hall's Motion  
8 to Dismiss Complaint without Leave to Amend be continued to October 2, 2014 at  
9 9:00 a.m.

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13 Dated: JED DEF

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Honorable Beth Labson Freeman  
United States District Judge